

REMARKS

The present Amendment is supplemental to the Preliminary Amendment filed on April 18, 2003. This Amendment will not further address the outstanding Office Action, because that Office Action of June 2, 2003 was improperly issued during the three-month suspension of action period that is set to expire on July 18, 2003, was therefore premature, and must be vacated.

Claims 1, 3-8, 10-15, 17-19, 21-26, 28, 29, and 41-43 are presented for examination. Claims 1, 3-8, 10-15, 17-19, 21-26, 28, and 29 have been amended to define still more clearly what Applicant regards as his invention. Claims 41-43 have been added to provide Applicant with a more complete scope of protection. Claims 1, 8, 15, 19, 26, and 41 are in independent form. Favorable reconsideration is requested.

The aspect of the present invention set forth in independent claim 1 is an image processing apparatus for adding information to image data. The apparatus includes first addition means for adding first identification information to the image data, where the first identification information formed by a first color signal is not easily recognizable by the human eye and relates to a copyright code. The apparatus also includes generating means for generating second identification information, and setting means for setting the second identification information in the image data containing the first identification information. The second identification information is not easily recognizable by the human eye and is different in form from the first identification information. The generating means includes color conversion means for performing color conversion on the image data including the first identification information, and forming means for forming the second identification information by a second color signal different from the first color

signal forming the color-converted first identification information in the color-converted image data.

Among the important features of claim 1 is the generating means that includes color conversion means for performing color conversion on the image data including the first identification information.

The applied art, alone or in combination, is not seen to disclose or suggest the invention as defined by independent claims 1, 8, 15, 19, 26, and 41, and in particular generating means that includes color conversion means for performing color conversion on the image data including the first identification information.

The Office Action of December 20, 2000 which forms the grounds for the current rejection of the claims cites Figure 4, reference designators 48 and 50, of *Wen* as corresponding to the generating means performing color conversion on the image data of independent claim 1. Applicant respectfully disagrees with this understanding. Column 3, line 54 to column 4, line 6 which describes reference designators 48 and 50 of Figure 4, states that the copy restrictive information may be encoded or not encoded based on the decision selected by the operator. If encoding is selected, the encoding function is activated and the copy restrictive information is encoded by the function block of 48. Further, the encoded copy restrictive information from the encoding block 48 or the non-encoded copy restrictive information from block 44 is then merged with the scanned color image of block 42 in block 50. As is understood by Applicant, the cited reference designators of Figure 4 merely encodes the copy restrictive information, if selected, and then merges the copy restrictive information, encoded or not, with the scanned color image. Applicant asserts that the *Wen* method does not perform color conversion on the image

data, but rather encodes, when selected, the copy restrictive information prior to merging the copy restrictive information with the scanned color image. Nothing has been found in *Wen* that would teach or suggest generating means performing color conversion on the image data including the first identification information, as recited in claim 1.

Applicant further submits that nothing has been found in *Funada* that would disclose or suggest generating means performing color conversion on the image data including the first identification information, as recited in claim 1.

For at least the above reason, and those discussed in the Preliminary Amendment filed on April 18, 2003, Applicant believes that claim 1 is clearly patentable over the cited prior art.

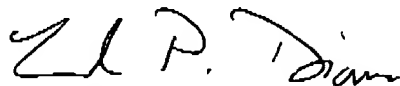
Independent claims 8, 15, 19, 26, and 41 recite features similar to those recited in claim 1 and are thought to be patentable for the same reasons.

The other claims in this application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 361412v1